

UNITED STATES DISTRICT COURT  
for the  
District of Arizona

8/30/17  
United States of America  
v.  
Eduardo Villa-Flores,  
a.k.a. Donato Cortes-Mendoza,  
A208 967 685  
Defendant

Case No. 17-359 MS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 30, 2017, in the County of Pinal, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Eduardo Villa-Flores, an alien, was found in the United States of America at or near Cucklebur, in the District of Arizona, after having been previously denied admission, excluded, deported, or removed from the United States at or near Nogales, Arizona, on or about March 31, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).


I further state that I am a Border Patrol Agent with U.S. Customs and Border Protection.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB  
REVIEWED BY: Charles E. Bailey Jr., P.S. for AUSA Sheila Phillips

☒ Continued on the attached sheet.

  
Complainant's signature  
Sheldon W. Schmitt  
U.S. Border Patrol Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: August 31, 2017

  
Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns  
United States Magistrate Judge  
Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

I, Sheldon W. Schmitt, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Border Patrol agent. I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 30, 2017, Border Patrol Agent C. Harris encountered an individual near Cucklebur, in the District of Arizona. The agent identified himself as a Border Patrol agent and performed an immigration inspection on the individual. The individual, later identified as Eduardo Villa-Flores, admitted to being a citizen and national of a country other than the United States, unlawfully present in the United States. Villa-Flores was transported to the Casa Grande Border Patrol Station for further processing. Villa-Flores was held in administrative custody until his identity could be confirmed along with his criminal and immigration history.
3. Immigration history checks revealed Villa-Flores to be a citizen and national of Mexico and a previously removed alien. Villa-Flores was removed from the United States to Mexico through Nogales, Arizona, on or about March 31, 2017, pursuant to a removal order issued by an immigration official. There is no record of Villa-Flores in any Department of Homeland Security database to suggest that he obtained

permission from the Secretary of the Department of Homeland Security to suggest that Villa-Flores obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Villa-Flores' immigration history was matched to him by electronic fingerprint comparison.

4. On August 30, 2017, Eduardo Villa-Flores was advised of his constitutional rights. Villa-Flores freely and willingly acknowledged his rights and did not agree to provide a statement under oath.

5. For these reasons, this affiant submits that there is probable cause to believe that on or about August 30, 2017, Eduardo Villa-Flores, an alien, was found in the United States of America at or near Cucklebur, in the County of Pinal, in the District of Arizona, after having been previously denied admission, excluded, deported, or removed from

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the United States at or near Nogales, Arizona, on or about March 31, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Sheldon W. Schmitt  
U.S. Border Patrol Agent

Sworn to and subscribed before me  
this 31<sup>st</sup> day of August, 2017.



Michelle H. Burns  
United States Magistrate Judge